



DEPARTMENT OF STATE
BRIEFING MEMORANDUM

S/SP

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PCh.

June 15, 1979

TO: The Secretary
FROM: HA - Patricia M. Derian

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File
Argentina

Study Mission to Argentina by the Association of
the Bar of the City of New York

Attached is a copy of the report of the New York Bar's study mission, led by Orville Schell, which visited Argentina in April. The report confirms many of the grim accounts we have received from many other sources about the human rights situation in Argentina.

The report reviews Argentina's State of Siege provision, concluding that extended PEN (National Executive Power) detentions are "highly questionable." It also states that the regime is without authority to deny prisoners the constitutionally guaranteed "right of option" -- the right to choose exile rather than political imprisonment. It discusses prison conditions and the role, so far quite limited, of the Argentine bar and judicial system in challenging or restricting abuses. It is generally pessimistic about future progress.

The most significant part of the report, however, is its review of the situation of Argentina's "disappeared," whose ranks include numerous lawyers:

"There is no question that since March 24, 1976, groups of armed people serving in military, police, or other state security forces have abducted thousands of people, subjecting most of the victims to torture, killing many, holding others in concentration camps or other secret places, and withholding from their families and all the world word either of their whereabouts or of whether they remain alive." (p. 26).

The report terms the fate of the "disappeared" "the most starkly brutal human rights violations in Argentina or, indeed, almost anywhere in the world that seeks to be

civilized." There has been no accounting on the missing, and the report sees few signs of progress in government circles toward curbing the practice or even facing the problem (pp. 31, 36). Disappearances continue (p. 27).

Attachment:

Report of the Mission
of Lawyers to Argentina
April 1-7, 1979

Drafted:HA:DMartin
x22741

~~CONFIDENTIAL~~

Department of State

INCOMING
TELEGRAM

PAGE 01

BUENOS 08257 080648Z

3200

ACTION RP-10

INFO OCT-01 ARA-11 10-14 ADS-00 SR-04 TRSE-00 OMB-01
 ABF-01 CIAE-00 INR-10 NSAE-00 AID-05 L-03 SS-15
 SP-02 HA-05 NSC-05 /087 W

-----041550 080715Z /17

R 051956Z OCT 79

FM AMEMBASSY BUENOS AIRES
 TO SECSTATE WASHDC 2673
 INFO USMISSION GENEVA

OC
File
Priority

~~CONFIDENTIAL~~ BUENOS AIRES 8257

E.O. 12065: GDS 10/5/85 (DAVIS, VERA L.) OR-P
 TAGS: SREF UNHCR AR
 SUBJ: (U) INTERNATIONAL FUND FOR REFUGEE SETTLEMENT

REF: STATE 253764

1. ~~S~~ - ENTIRE TEXT.

2. OCTOBER 4 EMBOFFS DISCUSSED THE PROPOSAL FOR THE ESTABLISHMENT OF AN INTERNATIONAL FUND FOR REFUGEE SETTLEMENT AND LEFT AIDE MEMOIRE WITH WORKING LEVEL CONTACTS AT THE FOREIGN MINISTRY. THE ARGENTINES WERE SYMPATHETIC, BUT NON-COMMITTAL. THEY MENTIONED THE 5,000 INDOCHINESE REFUGEES RECENTLY ADMITTED BY ARGENTINA AS EVIDENCE OF THE GOA'S INTEREST IN THIS PROBLEM AND SUGGESTED THAT THIS SHOULD NOT BE FORGOTTEN WHEN THE UNHCR EXECUTIVE COMMITTEE MEETS NEXT WEEK.
 CASTRO

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| Declassified Case: 07X-52629 Date: |
| 11-02-2012 |

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Department of State

INCOMING
TELEGRAM

PAGE 01 BUENOS 08029 272111Z
ACTION RP-07

5598

BUEHOS 08029 272111Z

INFO OCT-01 ARA-11 ADS-20 SSO-00 10-14 VO-05 CIAE-00
NSAE-00 FBIE-00 /038 W
-----098347 272116Z /65

O R 271927Z SEP 79
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC IMMEDIATE 2576
INFO INS/CO WASHDC
USMISSION GENEVA

~~LIMITED OFFICIAL USE~~ BUENOS AIRES 8029

STATE FOR S/RP (AILEEN ROBINSON), ARA/ECA
INS/CO FOR INS/CORAP (MR. POTTER)

E.O. 12865: N/A
TAGS: CIVIS SREF SHUM AR
SUBJ: HEMISPHERIC PAROLE PROGRAM: REQUEST FOR VOLAG, CASE OF VICTOR MIGUEL PEREZ-FERNANDEZ, 127/78

REF: 78 BUENOS AIRES 5371

1. UNHCR BUENOS AIRES INFORMED EMBASSY ON SEPT 26, 1979 THAT SUBJECT HAS BEEN MANDATED BY THE UN AND IS SEEKING RESETTLEMENT IN THE UNITED STATES. THE GOVERNMENT OF ARGENTINA HAS ORDERED HIS EXPULSION TO HIS COUNTRY OF BIRTH, CHILE, AND HIS FAMILY IS VERY CONCERNED FOR HIS SAFETY IF THIS SHOULD TAKE PLACE.

2. BIOGRAPHICAL DATA: VICTOR MIGUEL PEREZ-FERNANDEZ, DPOB: OCT 14, 1949, SANTIAGO, CHILE. WIFE: ANA MARIA BEIRAC DE PEREZ, DPOB: JUNE 3, 1953, MENDOZA, ARGENTINA. CHILDREN: VICTOR MIGUEL PEREZ, DPOB: DEC 11, 1970, MENDOZA, ARGENTINA AND MARIA ALEJANDRA PEREZ, DPOB: OCT 12, 1972, MENDOZA, ARGENTINA.

3. VICE CONSUL KENNETH F. SACKETT INTERVIEWED MR. PEREZ AT LA PLATA PRISON AND FOLLOWING IS HIS REPORT: QUOTE MR. VICTOR MIGUEL PEREZ-FERNANDEZ WAS BORN IN SANTIAGO, CHILE IN 1949. HE LIVED IN SANTIAGO UNTIL THE AGE OF 18 WHEN HIS FAMILY MOVED TO MENDOZA, ARGENTINA WHERE HE LIVED UNTIL 1974 WHEN HE MOVED TO BUENOS AIRES. MR. PEREZ IS MARRIED AND HAS TWO CHILDREN.

4. MR. PEREZ DROPPED OUT OF SCHOOL AFTER COMPLETING THE 7TH GRADE AND STARTED WORKING AS A CARPENTER. FROM 1962 UNTIL 1975 HE WORKED FOR A NUMBER OF CONSTRUCTION COMPANIES IN THE MENDOZA AREA. WHILE IN MENDOZA HE WAS A MEMBER OF THE SINDICATO DE LA CONSTRUCCION (CONSTRUCTION WORKERS' UNION) BUT HELD NO UNION OFFICES NOR PARTICIPATED IN ANY UNION ACTIVITIES. IN 1975 MR. PEREZ-FERNANDEZ MOVED TO BUENOS AIRES WHERE HE WORKED AS AN INDEPENDENT CARPENTER ON A NUMBER OF BUILDING PROJECTS.

5. MR. PEREZ IS NOT PARTICULARLY POLITICALLY ACTIVE. HE WASN'T A MEMBER OF A POLITICAL PARTY BUT STATED THAT HE DID PREFER THE PERONIST PARTY. HIS ONLY POLITICAL ACTIVITIES INVOLVED A NEIGHBORHOOD CAMPAIGN IN MENDOZA IN 1973. MR. PEREZ HAS NEVER VOTED. HE STATED THAT HE PREFERS A DEMOCRATIC FORM OF GOVERNMENT BECAUSE IT GIVES THE PEOPLE A BIGGER VOICE IN RUNNING THE COUNTRY.

6. IN DECEMBER 1975, MR. PEREZ-FERNANDEZ CUT HIS WRIST WHILE WORKING ON AN APARTMENT BUILDING AND WAS LAYED OFF. DUE TO THE SEVERITY OF THE CUT HE COULD NOT DO ANY HEAVY CONSTRUCTION WORK AND STARTED SEARCHING FOR A SMALL REPAIR JOB THAT WOULDN'T INVOLVE HEAVY LABOR. A FRIEND FOUND HIM A JOB REPAIRING A HOUSE IN LONCHAMPS. IT WAS A ONE MAN JOB

THAT WOULD TAKE APPROXIMATELY TWO WEEKS TO COMPLETE. THE HOUSE BELONGED TO A MAN NAMED JAIME VILLAMARIN. MR. PEREZ DID NOT KNOW MR. VILLAMARIN BUT THOUGHT HE POSSIBLY WAS A LABOR LEADER. MR. PEREZ-FERNANDEZ REPORTED TO WORK AT MR. VILLAMARIN'S HOUSE ON DECEMBER 19, 1975. THAT SAME MORNING THE HOUSE WAS RAIDED BY A GROUP OF ARMED MEN IN CIVILIAN CLOTHING. MR. PEREZ-FERNANDEZ, MR. VILLAMARIN, MRS. VILLAMARIN AND MR. VILLAMARIN'S UNCLE WERE ARRESTED, BLIND-FOLDED AND TAKEN TO AN UNKNOWN LOCATION FOR QUESTIONING. ALL FOUR WERE TORTURED FOR 27 DAYS. DURING THE TORTURING MR. VILLAMARIN WENT INSANE AND HIS UNCLE DIED FROM THE MISTREATMENT. AFTER 27 DAYS MR. PEREZ WAS TRANSFERRED TO LA PLATA PRISON. MR. PEREZ-FERNANDEZ HAD NEVER BEEN ARRESTED BEFORE AND FELT HIS ARREST WAS DUE TO THE FACT THAT HE HAPPENED TO BE AT MR. VILLAMARIN'S HOUSE WHEN IT WAS RAIDED. HE COULD THINK OF NO OTHER REASON FOR HIS ARREST.

7. MR. PEREZ-FERNANDEZ HAS TWICE REQUESTED OPTICH, 1977 AND 1978, BOTH REQUESTS WERE REFUSED.

8. IF ALLOWED TO TRAVEL TO THE UNITED STATES, MR. PEREZ WOULD LIKE TO TRAVEL WITH HIS WIFE AND TWO CHILDREN. THEY HAVE NO FAMILY IN THE UNITED STATES AND DO NOT HAVE THE MONEY FOR PASSAGE TO THE U.S. MR. PEREZ-FERNANDEZ APPEARS MENTALLY AND PHYSICALLY HEALTHY.

9. THE CONSULAR OFFICER RECOMMENDS THAT A CERTIFICATE OF ACCEPTABILITY BE ISSUED AND APPLICATION FOR PAROLE INTO THE UNITED STATES BE APPROVED FOR MR. VICTOR MIGUEL PEREZ-FERNANDEZ. ALL BACKGROUND CHECKS WERE NEGATIVE AND THE PERSONAL INTERVIEW DEVELOPED NO DEROGATORY INFORMATION. UNQUOTE.

10. THE RECOMMENDATION OF THE CONSULAR OFFICER'S REPORT WAS AFFIRMED BY INS OFFICER P.A. REYES.

11. THE FOLLOWING "A" FILE NUMBERS HAVE BEEN ASSIGNED:
VICTOR MIGUEL PEREZ-FERNANDEZ A-24 499 410
ANA MARIA BEIRAC DE PEREZ A-24 499 411
VICTOR MIGUEL PEREZ A-24 499 412
MARIA ALEJANDRA PEREZ A-24 499 413

12. S/RP: PLEASE REQUEST THE ASSIGNMENT OF A VOLUNTARY AGENCY FROM ACVA AND CABLE THE ASSURANCE AS SOON AS POSSIBLE.

13. DECONTROL UPON RECEIPT.
CASTRO

Declassified Case: IAW- 52829 Date:
11-02-2012

~~CONFIDENTIAL~~
Department of State

INCOMING
TELEGRAM

PAGE 01 BUENOS 07849 211536Z
ACTION ARA-10

1261

BUEHOS 07849 211536Z

INFO OCT-01 SS-14 ADS-00 NSCE-00 SP-02 L-01 SY-02
SYE-00 MCT-01 INR-05 INRE-00 CIAE-00 DODE-00 SR-01
SSO-00 /037 W
-----049327 211554Z /53

0 211503Z SEP 79
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC NIACI IMMEDIATE 2493

~~CONFIDENTIAL~~ BUENOS AIRES 7849

LIMDIS

FOR ASSISTANT SECRETARY VAKY FROM AMBASSADOR CASTRO

E.O. 12065: GDS 9-21-85 (CHAPLIN, MAXWELL) OR-M
TAGS: SHUM AR
SUBJ: (C) TIMERMAN CONDITIONAL REQUEST FOR REFUGE

1. ~~CONFIDENTIAL~~ ENTIRE TEXT.

2. ON THE AFTERNOON OF SEPTEMBER 20 THE AMBASSADOR RECEIVED A VISIT FROM RABBI MARSHALL MEYER, WHO MINISTERS TO JACOB TIMERMAN. HE HAD BROUGHT WITH HIM A TYPED MESSAGE FROM TIMERMAN WHICH THE LATTER HAD DELIVERED TO HIM DURING A VISIT THAT AFTERNOON. THE MEMORANDUM WAS IN TYPED FORM SINCE TIMERMAN ASSUMES HIS APARTMENT IS UNDER ELECTRONIC SURVEILLANCE, AND HE CANNOT DISCUSS MATTERS OPENLY WITH HIS RABBI. THE MEMORANDUM DEALS WITH THE POSSIBILITY THE GOA MAY GRANT TIMERMAN LIBERTY BUT WILL NOT PROVIDE HIM WITH A PASSPORT TO LEAVE THE COUNTRY. HE ANTICIPATES THE POSSIBILITY THAT THE GOVERNMENT WILL SIMPLY WITHDRAW POLICE PROTECTION FROM HIS APARTMENT WHICH, HE BELIEVES, WOULD BE EQUIVALENT TO A SENTENCE OF DEATH. HE OBSERVES THAT AS A MATTER OF FACT SINCE SEPTEMBER 17 WHEN THE ARMY LEARNED OF THE COURT'S DECISION, THE GUARD ON HIS HOUSE HAD BEEN TRIPLED AND THE POLICE COMISARIO TOLD HIS BROTHER THEY HAD RECEIVED INFORMATION THAT HIS KIDNAPPING WAS BEING PLANNED BY SOME GROUP.

3. THE MEMORANDUM CONTINUES THAT IF HE IS FREED BUT NOT GRANTED A PASSPORT, HE WILL HAVE TO LEAVE HIS APARTMENT. HE SAYS HE COULD GO TO THE ISRAELI EMBASSY BUT IT IS AN UNPLEASANT PLACE WHICH WOULD BE DIFFICULT FOR HIM AND HE WOULD PREFER TO STAY IN THE U.S. EMBASSY RESIDENCE. HE SAYS SINCE HE WOULD BE A FREE MAN, IT WOULD NOT BE A QUESTION OF ASYLUM BUT SIMPLY OF BEING AN INVITED GUEST. THE MEMO INDICATES HE BELIEVES THAT THE WASHINGTON ATMOSPHERE IS SUCH THAT U.S. OFFICIALS WOULD LOOK FAVORABLY ON HIS TAKING REFUGE IN THE EMBASSY RESIDENCE.

4. TIMERMAN STATES THAT IF HE IS GRANTED A PASSPORT, THERE IS NO PROBLEM BECAUSE HE WOULD BE SENT TO THE AIRPORT ACCOMPANIED BY AN ARMY OF POLICE.

5. AMBASSADOR CASTRO CONSIDERS THAT THE CONTINGENCY FEARED BY TIMERMAN IS HIGHLY UNLIKELY, AT LEAST IN THE NEXT FEW DAYS. THE JUNTA IS MEETING MONDAY AND TUESDAY, ACCORDING TO VIOLA, AND WE ASSUME IT WILL DISCUSS TIMERMAN THEN. AMBASSADOR HAS TENTATIVE APPOINTMENT TO SEE VIOLA ON WEDNESDAY, SEPTEMBER 26. DESPITE THE IMPROBABILITY OF THE CONTINGENCY, IT CANNOT BE ENTIRELY DISCOUNTED. SHOULD TIMERMAN BE FREED AND PROTECTION WITHDRAWN, AMBASSADOR PROPOSES TO INVITE HIM TO REMAIN AT THE RESIDENCE AS AN INVITED GUEST AND TO TRANSPORT HIM TO THE RESIDENCE (AND PRESUMABLY

SUBSEQUENTLY TO THE AIRPORT) IN HIS OFFICIAL ARMORED VEHICLE. AT THE SAME TIME, EMBASSY WOULD MAKE A FORCEFUL REQUEST TO PRESIDENT, GENERAL VIOLA AND MINISTER OF INTERIOR TO PROVIDE MAXIMUM SECURITY TO RESIDENCE. WE BELIEVE SUCH SECURITY WOULD BE PROVIDED.

6. WHILE WE REPEAT THIS CONTINGENCY SEEMS REMOTE, AMBASSADOR WISHES REASSURANCE THAT DEPARTMENT DOES NOT OBJECT TO HIS PROPOSED OFFER OF HOSPITALITY AND REFUGE TO JACOB TIMERMAN SHOULD THAT SEEM ADVISABLE.
CASTRO

*Title
Argentina*

Declassified Case: 078-82823 Date:
11-02-2012

~~CONFIDENTIAL~~

Department of State

INCOMING
TELEGRAM -

8563

Phil C.

PAGE 01 GENEVA 13978 240443Z
ACTION HA-05

INFO OCT-01 ARA-11 10-14 ADS-00 RP-07 /038 W
----- 104722 240535Z /73

R 221627Z AUG 79
FM USMISSION GENEVA
TO SECSTATE WASHDC 7039
INFO AMEMBASSY BUENOS AIRES

~~CONFIDENTIAL~~ GENEVA 13978

E.O. 12065: GDS 8/22/84 (HOYT, MICHAEL P.E.) OR-0
TAGS: SHUM, SREF, ICRC, AR
SUBJECT: USF FINANCIAL SUPPORT FOR ICRC PROGRAM IN
ARGENTINA

File
ArgoST/USN

REF: GENEVA 13486

1. ~~(S)~~ - ENTIRE TEXT)
2. REQUEST REPLY TO REFTEL. SORENSEN

Declassified Case: 10X-52829 Date:
11-02-2013

~~CONFIDENTIAL~~

Department of State

PAGE 81 STATE 288294
ORIGIN SR-10

7846

STATE 288294

INFO OCT-88 ARA-11 ADS-88 HA-85 VO-85 CA-81 INSE-88
SSO-88 SIG-83 MMG-81 /036 R

REFTEL (D) CAREFULLY WHEN PROCESSING REFUGEE PAROLE
CASES.
COOPER

DRAFTED BY S/RP - AVROBINSION
APPROVED BY S/RP - CRUSSELL
ARA/ECA - J. ANDRE
CA/VO - SUE PATTERSON (SUBS)
INS/CO - H. EBAUGH (PHONE)
S/RP - L. MARINELLI

-----007130 102035Z /75

O P 101846Z AUG 78
FM SECSTATE WASHDC
TO AMCONSUL RIO DE JANEIRO IMMEDIATE
INFO AMEMBASSY BUENOS AIRES PRIORITY
AMEMBASSY BRASILIA
AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY LIMA
AMEMBASSY MONTEVIDEO
AMEMBASSY SANTIAGO
AMEMBASSY ASUNCION
AMEMBASSY LA PAZ
AMEMBASSY QUITO
AMEMBASSY PARAMARIBO
AMCONSUL SAO PAULO

~~CONFIDENTIAL~~ STATE 288294

E.O. 12865: GDS 8/8/85 (RUSSELL, CHRIS) S/RP

TAGS: SHUM, SREF, CVIS, AR

SUBJECT: HEMISPHERIC PAROLE PROGRAM - PROCEDURES FOR
PROCESSING REFUGEE PAROLE CASES

REF: (A) MEMO DATED 7/11/79; (B) MEMO DATED 7/12/79;
(C) MEMO DATED 6/22/79; (D) STATE 153083

1. PER GUIDELINES CONTAINED IN REFTEL (D), IF A CASE IS
CONDITIONALLY APPROVED BY THE CONSULAR OFFICER, THE APPLICANT
IS GIVEN A LIST OF REQUIRED DOCUMENTS WITH
CERTIFICATES, ETC. HE IS THEN INTERVIEWED BY AN IMMIGRATION
OFFICER. IF THE IMMIGRATION OFFICER CONCURS WITH THE
CONSULAR OFFICER'S RECOMMENDATION, THE CASE WILL BE
APPROVED. HOWEVER, IF THERE IS A DIFFERENCE OF OPINION
BETWEEN THE CONSULAR OFFICER AND IMMIGRATION OFFICER THEN,
AND ONLY THEN, SHOULD A CASE BE SUBMITTED TO DEPARTMENT
(S/RP) FOR CONSULTATION WITH THE DIRECTOR OF INS' OFFICE OF
REFUGEE AND PAROLE.

2. IN VIEW OF THE FOREGOING, DEPARTMENT IS UNABLE TO UNDER-
STAND REASON EMBASSY HAS FORWARDED CASES OF MARIO DANIEL
LORENZO, CARLOS OMAR RUDA, AND JUAN CARLOS FERRIOLI TO
DEPARTMENT AND INS/CO FOR FURTHER PROCESSING. EACH OF
THESE CASES HAS BEEN RECOMMENDED FOR APPROVAL BY BOTH
OFFICERS.

3. EMBASSY IS REQUESTED TO REVIEW AGAIN GUIDELINES
CONTAINED IN REFTEL (D) REGARDING PROCEDURES FOR PROCESSING
REFUGEE PAROLE CASES. IF FURTHER GUIDANCE IS NEEDED,
PLEASE CONTACT KENNETH SACKETT OR CAROLE BARRISH AT OUR
EMBASSY IN BUENOS AIRES OR AILEEN ROBINSON (S/RP) IN THE
DEPARTMENT.

4. DEPARTMENT HAS FORWARDED THE FILES OF MESSRS. LORENZO,
RUDA AND FERRIOLI TO ACVA FOR ASSIGNMENT TO THE VOLUNTARY
AGENCIES.

5. FOR ALL POSTS: PLEASE FOLLOW GUIDELINES CONTAINED IN

OUTGOING
TELEGRAM

*File
Argentina*

Chicola

explain

*pls. pls.
to me Jackie*

g.v. gd

Declassified Case: ID# 52829 Date:
11-02-2012

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Department of State

PAGE 01 GENEVA 13486 101559Z

ACTION HA-05

INCOMING

TELEGRAM

6930

INFO OCT-01 ARA-11 10-14 ADS-00 AID-05 SR-10 OMB-01
TRSE-00 /047 W

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P 101556Z AUG 79

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 6780

INFO AMEMBASSY BUENOS AIRES

PL
Action

~~CONFIDENTIAL~~ GENEVA 13486

E.O. 12065: GDS 8/10/84 (HOYT, MICHAEL P.E.) OR-0

TAGS: SHUM, SREF, ICRC, AR

SUBJECT: USF FINANCIAL SUPPORT FOR ICRC PROGRAM IN
ARGENTINA

FILE
ARGENTINA

REF: STATE 168898

1. ~~(S)~~ - ENTIRE TEXT)

2. MISSION CONFIRMED WITH ICRC THAT FIGURE OF 550,000 SWISS FRANCS REMAINS THE CURRENT SHORTFALL IN THIS YEAR'S ARGENTINE PRISONER VISITOR PROGRAM. ICRC WILL SHORTLY PROVIDE US AND DONORS WITH CURRENT REPORT OF PROGRESS AND STATUS OF EXPENDITURES.

3. WHAT IS STATUS OF FUNDS "HOPED" FOR IN REFTEL?

VANDEN HEUVEL

Declassified Date: 10X-82823 Date:
11-02-2013

~~CONFIDENTIAL~~